

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, May 2, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—excused—Senators Evans and Flanagan.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

On motion of Senator Hall, Assistant Secretary E. L. James was excused from attendance for the day.

On motion of Senator Shannon, Senator Evans was excused for ten days further.

Special message from the Governor by his private secretary as follows:

GOVERNOR'S OFFICE,
AUSTIN, May 1, 1871.

To the Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I have the honor herewith to enclose copies of correspondence in relation to the resolutions recently adopted by the Legislature asking the United States Government to remove the Fort Sill Reservation further from the frontier, and asking more ample mail facilities. These resolutions were presented to the heads of the appropriate departments at Washington by Hon. M. C. Hamilton, and copies of his letters to those departments and the replies from same, as far as received, are herewith enclosed.

Very respectfully,

EDMUND J. DAVIS,
Governor.

WASHINGTON, D. C., April 18, 1871.

Hon. JAMES P. NEWCOMB, Secretary of State, State of Texas:

SIR: I have the honor to acknowledge the receipt on the 1st inst. of his Excellency, the Governor's, communication of March 22, covering three sets of joint resolutions passed by the Legislature of Texas.

First, Relating to the removal of the "Fort Sill" Reservation; second, asking Congress to provide "more secure and reliable telegraph facilities," and third, "respecting our postal service."

The first and third of these resolutions were presented to the respective departments having charge of the branches of the public service, to which they relate. Copies of the notes accompanying

are herewith enclosed, as also the reply of the Hon. Secretary of Interior. I have had no response from the Post Office Department.

The resolutions on postal telegraph will be introduced into the Senate at the commencement of the next session. Prior to their receipt all legislative business, except the deficiency appropriation bill and the subject of Southern outrages having been excluded from consideration, I considered that to present them now, which might be done by unanimous consent, would only bury them under the rubbish which always accumulates during the recess, when they would be lost sight of. I shall therefore hold them up for the present.

I have the honor to be

Your obedient servant,

(Signed)

M. C. HAMILTON.

WASHINGTON, D. C., April 1, 1871.

Hon. J. A. CRESWELL, Postmaster General:

SIR: I beg to present to the department the accompanying joint resolutions adopted on the eighteenth March, 1871, by the Legislature of the State of Texas.

In consideration of the great extent of territory; the exposed condition of the mail routes in the interior; the increased mail depredations and robberies—many of which are supposed to be the work of those connected with the service—the department is asked to appoint three assistant agents to act as directors, under the supervision of the special agent for that State.

I have no remarks to make upon this application, which seems to have been drawn up by or under the direction of the special agent of the department, and doubtless with a very accurate knowledge of the deplorable want, generally, of efficiency in those connected with the postal service in the State.

I have the honor to be

Your very obedient servant,

(Signed)

M. C. HAMITON.

WASHINGTON, D. C., April 1, 1871.

Hon. COLUMBUS DELANO, Secretary Interior:

SIR: Pursuant to instructions I herewith present to the Department joint resolutions passed by the Legislature of Texas, dated eighteenth March, 1871, complaining of the near proximity to the settlements of the Fort Sill Reservation, and the consequent facility with which bands of Comanches and Kiowas may and do make inroads thence upon the border settlements of Texas; and asking that the said Reserve be removed to a distance of at least one hundred and fifty miles from the present frontier settlements of the State.

I beg that the attention of the Commissioners of Indian Affairs may be speedily invited to the matters complained of. If depredations upon the peaceful citizens of the country are made as alleged, and of which there can be little doubt, by the Indians gathered in and around Fort Sill, then those charged with the care and supervision of the Reserve should spare no exertions to correct the mischief. Such open and flagrant abuses as are here charged upon the management of the Fort Sill Reservation, is a severe reflection upon those who have charge of Indian affairs in that quarter.

I have the honor to be

Your very obedient servant,

(Signed)

M. C. HAMILTON.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., April 17, 1871.

Hon. M. C. HAMILTON, United States Senate:

SIR: I have the honor to enclose herewith, for your information, a copy of a communication dated the fourteenth instant, from the Acting Commissioner of Indian Affairs, regarding the removal of certain Indians from the Fort Sill Reservation in Texas, which was the subject of your letter of the first instant, enclosing for the consideration of the Department a joint resolution of your State Legislature in relation to the same.

Very respectfully,

Your obedient servant,

C. DELANO,

Secretary.

DEPARTMENT OF THE INTERIOR, }
OFFICE OF INDIAN AFFAIRS, }
WASHINGTON, D. C., April 14, 1871. }

Hon. C. DELANO, Secretary of the Interior:

SIR: I have the honor to acknowledge by reference from you, the receipt of a letter addressed to you on the first instant, by Hon. M. C. Hamilton, enclosing a joint resolution passed by the Legislature of the State of Texas, on the eighteenth day of March last, from which it appears that armed bands of Comanche and Kiowa Indians periodically enter the State of Texas from their reservation in the Indian Territory, murder and rob the citizens of said State, capture their children and return to their reservation with their captives and plunder, and are there harbored and protected.

Said Legislature, through said joint resolution, requests the removal of said Indians to a distance of at least one hundred and fifty miles from the frontier counties in said State, and you request the views of this office upon the subject.

In reply, I would state, that the treaty between the United States and the Kiowa and Comanche Indians, concluded October 21, 1867, a reservation—the one to which the resolutions refer—was set apart for the said Indians. (See Stat. at Large, vol. 15, p. 582.)

By the first article of the treaty proclaimed August 25, 1868, the Apache tribe of Indians confederated and became incorporated with the said Kiowa and Comanche Indians, and accepted as their permanent home the reservation above referred to. (See Stat. at Large, vol. 15, p. 590.)

Under existing laws and treaty stipulations, this Department has no authority to remove the said Indians from the said reservation upon which Fort Sill is situated, and should such authority be granted or authorized by Congressional legislation, I do not think that it would preclude the possibility of warlike bands of Indians from making occasional raids for the purpose of murdering white settlers, stealing their property or capturing their children. This office remains to be convinced, however, that the United States Indian Agent at Fort Sill *protects* the Indians in such lawless proceedings, but, on the contrary, I believe he has spared no pains to prevent such raids, and has used all the power at his command to maintain friendly relations between said Indians and the whites; neither can I believe that the United States troops stationed at Fort Sill protect the Indians in the commission of such crimes, so directly contrary to justice and law, and at variance with our Indian policy.

The letter of Mr. Hamilton and joint resolution of the Texas Legislature are herewith returned.

Very respectfully,

Your obedient servant,

(Signed)

H. R. CLUM,
Acting Commissioner.

Message read.

The following House bills were taken from file, read the first time and referred as follows:

To the Committee on State Affairs:

House bill No. 587, "An act to incorporate the San Antonio City Street Railroad Company."

House bill No. 605, "An act to incorporate the town of Yorktown."

House bill No. 604, "An act to incorporate the Young Men's Real Estate and Building Association of the city of Tyler."

House bill No. 241, "An act to provide for the appointment of one county surveyor for two or more counties."

House bill No. 367, "An act to authorize the transcript of the surveyor's records of Lampasas county."

House bill No. 449, "An act authorizing the county courts of this State to offer a reward for the destruction of wolves."

House bill No. 531, "An act for the relief of George Cox."

House bill No. 603, "An act to amend section twenty-nine of an act entitled 'an act to incorporate the city of Dallas, in Dallas county.'"

To the Committee on Judiciary :

House bill No. 624, "An act to relinquish to the county of Comanche, the State taxes assessed in said county for the years 1868, 1869, 1870 and 1871."

House bill No. 627, "An act to amend section one of an act approved October 10, 1866, and entitled 'an act to incorporate the town of Lampasas, in Lampasas county.'"

House bill No. 183, "An act for the relief of early settlers of the Republic and State of Texas."

House bill No. 219, "An act to authorize the sale of the public domain in quantities less than one hundred and sixty acres."

House bill No. 602, "An act authorizing the appointment of sheriffs and clerks *pro tem.*, in certain cases."

House bill No. 614, "An act to validate certain writs and processes issued by or from the district courts."

To the Committee on Internal Improvements :

House bill No. 370, "An act to incorporate the Jefferson and Marshall Railroad Company."

House bill No. 474, "An act supplemental and amendatory of an act entitled 'an act to incorporate the Houston and Great Northern Railroad Company,' passed October 27, 1866."

House bill No. 586, "An act to incorporate the San Antonio and Victoria, Indianola and New Orleans Express and Transportation Company."

House bill No. 594, "An act to incorporate the Buffalo Bayou and Trinity Railway Company."

House bill No. 626, "An act to incorporate the Carthage Branch Railway Company."

To the Committee on Roads, Bridges and Ferries :

House bill No. 404, an act to authorize W. H. McVey to erect a toll bridge across Waxahachie creek, and also, to erect a toll bridge across Chambers's creek, in the county of Navarro."

House bill No. 484, "An act to authorize S. J. Slocumb to erect a toll bridge over Brushy creek, in Milam county."

House bill No. 486, "An act to establish a ferry across the Brazos river, at a convenient point three miles below the falls of the

Brazos, on the new road leading from Power's school house to Bremond, in Falls county."

House bill No. 487, "An act to establish a ferry across the Colorado river, at the foot of Pine street, of the town of Bastrop, county of Bastrop."

House bill No. 571, "An act to incorporate the Little Brazos and Robertson County Bridge Company."

House bill No. 621, "An act to authorize G. B. Slaughter and D. T. Easley to erect a toll bridge across Guthrie creek and Grace's creek, in the county of Upshur, Texas."

To the Committee on Education :

House bill No. 235, "An act to prohibit the sale of intoxicating liquors within certain limits of Tennessee Colony High School, in the town of Tennessee Colony, in Anderson county."

To the Committee on Militia :

House bill No. 446, "An act to muster into service minute men for the protection of the frontier."

To the Committee on Counties and County Boundaries :

House bill No. 578, "An act to define and establish the boundary line between the counties of Live Oak and Nueces."

To the Committee on Indian Affairs and Frontier Protection :

House bill No. 388, "An act to amend an act entitled 'an act to provide for the protection of the frontier.'"

To the Committee on Public Printing :

House bill No. 555, "An act making an appropriation to defray the contingent and printing expenses of the first session of the Twelfth Legislature."

MESSAGES.

Message from the House by the Chief Clerk, Mr. Ketchum, informing the Senate that the House had passed, without amendments, the following Senate bills :

Senate bill No. 237, "An act for the benefit of James S. Montgomery, assignee of H. O'Hara."

Senate bill No. 248, "An act for the relief of James Henderson."

Also, with amendments, Senate bill No. 208, "An act to incorporate the San Antonio Bridge Company."

House amendments to Senate bill No. 208 : Amend section three by adding, "*provided, however*, that if such ways leading to any highway, as hereinbefore said, shall lead through or over any improved lands, then the said San Antonio Bridge Company shall com-

House bill No. 367, "An act to authorize the transcript of the surveyor's records of Lampasas county."

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Brazos, on the new road leading from Power's school house to Bremond, in Falls county."

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To the Committee on Public Printing :

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MESSAGES.

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Senate bill No. 248, "An act for the relief of James Henderson."

Also, with amendments, Senate bill No. 208, "An act to incorporate the San Antonio Bridge Company."

House amendments to Senate bill No. 208 : Amend section three by adding, "*provided, however*, that if such ways leading to any highway, as hereinbefore said, shall lead through or over any improved lands, then the said San Antonio Bridge Company shall com-

pensate the owner or owners of such lands in the manner described in section two of this act."

Also, returning to the Senate, Senate bill No. 29, "An act to incorporate the Texas Cotton Spinning and Manufacturing Company," and informing the Senate that the House recedes from its amendment thereto.

Also, transmitting for concurrence the following House bills:

House bill No. 574, "An act to incorporate the Austin and Texas Pacific Junction Railroad and Telegraph Company." Read first time and referred to select committee, consisting of Senators Bowers, Baker and Latimer.

House bill No. 631, "An act to provide that certified copies of patents, grants and titles, as recorded in the General Land Office, and of deeds and other instruments relating to land recorded in any county of this State, may be read in evidence as original testimony." Read first time and referred to Judiciary Committee.

House bill No. 632, "An act to regulate the change of venue of cases in the district court which the judges of said courts are disqualified for trying." Read first time and referred to Committee on Judiciary.

House bill No. 26, "An act to incorporate the city of Galveston and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter." Read first time and referred to Committee on Judiciary.

Also, for concurrence House joint resolution No. 29, "Joint resolution authorizing the Committee on Printing and Contingent Expenses to have published six hundred copies of the general laws of the Twelfth Legislature in the German language." Read first time and referred to Committee on Printing.

Also, transmitting, for signature of the President, the following enrolled House bills:

House bill No. 280, "An act to incorporate the West Fork Male and Female College."

House bill No. 283, "An act to incorporate the Waco Lodge No. 42, Ancient Free and Accepted Masons."

House bill No. 435, "An act to incorporate the city of Huntsville, in Walker county, Texas."

House bill No. 247, "An act for the relief of R. H. Walker."

House bill No. 248, "An act for the relief of Richard O'Hanlon."

House bill No. 288, "An act to incorporate the East Fork Plank Road Company."

House bill No. 267, "An act in relation to the Atlantic and Pacific Railroad Company."

Also, informing the Senate the House has agreed to Senate amendments to House bill No. 88 entitled "An act to provide for the completion and control of the supreme court building, library, etc."

Also, to Senate amendments to the following House bills: No. 145 entitled "An act to prohibit the sale of spirituous or vinous liquors within three miles of Baylor University, in Washington county;" No. 385 entitled "An act to incorporate the town of Lexington, in Burleson county;" and No. 600 entitled "An act to incorporate the Drayman's Club of Houston, Texas."

Under direction of the President the Secretary carried to the House for concurrence the following Senate bills:

Senate bill No. 158, "An act to incorporate the Houston Cooperage and Manufacturing Company."

Senate bill No. 354, "An act to legalize certain acts of the county court of Brazos county."

Also, informing the House that the Senate had concurred in the following House amendment to Senate bill No. 157, "An act to authorize certain persons therein named to operate a ferry on Sabine river, in Upshur county."

Amend section two by adding the following: "*provided*, that nothing shall in any manner prejudice the rights of other parties who have, or may hereafter, set up an adverse title to the land embraced within the limits of said ferry," and that the Senate refused to concur in the following House amendment to Senate bill No. 150: Amend in third line, section three, strike out word "one," and insert in lieu thereof the words "one half."

Also, that the Senate had adapted the report of the Conference Committee on House bill No. 14, recommending that the Senate refuse to recede from its amendments thereto.

Also, that the Senate had appointed as Committee of Conference to confer with a like committee on the part of the House, on House amendments to Senate bill No. 9, "An act authorizing the county courts to sell the school lands situated in their respective counties," Senators Doloney, Hertzberg and Baker.

Also, returning to the House with the action of the Senate thereon, House bill No. 583, "An act supplementary to an act entitled 'an act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier,' approved August 5, 1870," passed May 1.

House bill No. 589, "An act supplementary to an act entitled 'an act to incorporate the Casino Society of Yorktown,'" passed April 29, with amendments.

Also, returning to the House the following enrolled House bills, signed by the President of the Senate May 1 :

House bill No. 37, "An act to amend an act entitled 'an act to establish a State police, and provide for the regulation of the same,' approved July 1, 1870."

House bill No. 415, "An act to incorporate the city of Marshall, and to grant a new charter to said city."

House bill No. 217, "An act to incorporate the French Benevolent Mutual Assistance Society of Galveston, Texas."

House bill No. 215, "An act to provide for the payment of the public debt of the State of Texas."

House bill No. 584, "An act to amend an act entitled 'an act to incorporate the Galveston City Railroad Company.'"

House bill No. 70, "An act for the relief of Thomas N. Haynes."

House bill No. 425, "An act to authorize the Commissioner of the General Land Office to issue to B. H. Davis, assignee, an unconditional second class headright certificate for 640 acres of land upon conditional No. 90."

House bill No. 6, "An act to incorporate the town of Fairfield, in Freestone county."

House bill No. 179, "An act to authorize C. R. Goodwin to erect a toll bridge over Chambers's creek, where the road leading from Waxahachie to Dresden crosses the same."

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Judiciary :

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 129, entitled "An act to provide for the election and appointment of a county treasurer, and to prescribe his qualifications and duties," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendment.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Amend section eight, line two, by striking out the words "on and."

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 369, entitled "An act to facilitate the correcting of surveys and the issuance of patents to locations of land," after careful consideration, instruct me to report the same back and recommend its passage.

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred House bill No. 278, entitled "An act authorizing administrators, executors, guardians and trustees to secure their bonds by pledge of real estate," after careful consideration, instruct me to report the same back and recommend its passage.

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 18, entitled "An act defining the rights of holders of any land certificates issued to the San Antonio and Mexican Gulf Railroad Company," after careful consideration, instruct me to report the same back with the statement that, in the opinion of your committee, the general act already passed by the Senate grants the relief asked for in this bill, but that if said act should fail to become a law, then your committee would recommend the passage hereof.

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Sen-

ate bill No. 193, entitled "An act for the relief of certain assignees of the Buffalo Bayou, Brazos and Colorado Railroad Company," after careful consideration, instruct me to report the same back with the statement that in the opinion of your committee the general act already passed by the Senate grants the relief asked for in this bill, but that if said act should fail to become a law, then your committee would recommend the passage of this bill.

Respectfully,

A. J. FOUNTAIN,
Chairman.

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 366, entitled "An act to purchase a certain number of Paschal's Annotated Digest of the Laws of Texas," after careful consideration, instruct me to report the same back and recommend that it be laid on the table.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Reports read and laid over under the rules.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 356, entitled "An act to regulate the admission of physicians and surgeons to the practice of medicine and surgery in the State of Texas," have carefully considered the same and instruct me to report it back with the following amendments, and recommend it to the consideration of the Senate; amend section one, line 4, strike out the word "congressional" and insert the word "senatorial;" lines seven, eight and nine, strike out the following words "not more than two of which shall reside in the same county;" amend section three, line six, strike out all after the word "license" down to and including the word "members" in line nine; amend section five, by adding the following words "and said board may revoke the license of any person who has received the same, who has been guilty of a gross neglect of duty as a practitioner of medicine or surgery, or for drunkenness; *provided*, that due notice shall be

given;" amend section nine, line three, strike out the word "ten" and insert the word "five;" strike out section eleven entirely; amend section twelve by changing the number of said section from twelve to eleven.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 389, "An act to incorporate the Texas Road Steamer Company," after careful consideration instruct me to report the accompanying substitute, and recommend its passage.

S. W. FORD,
Chairman.

Report and substitute ("substitute Senate bill No. 389, 'An act to incorporate the Texas Road Steamer Company'") read and laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, May 1, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Engrossed bills, having examined and compared Senate bill No. 329, "Incorporating the Texas and Europe Steamship Company," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

Report read and received.

Under direction of the President, the Secretary carried to the House for concurrence Senate bill No. 329.

BILLS AND RESOLUTIONS.

By Senator Gaines: a bill (Senate bill No. 394) to be entitled "An act to promote immigration from the Southern States of the American Union, and making an appropriation therefor." Read first time and referred to Committee on Immigration.

By Senator Saylor: a bill (Senate bill No. 395) to be entitled "An act supplementary to and amendatory of 'an act to provide for

the registration of voters,' approved July 11, 1870." Read first time and referred to Committee on State Affairs.

Message from the House by Chief Clerk returning the following enrolled Senate bills, signed by the Speaker in open session:

Senate joint resolution No. 33, "Joint resolution authorizing and requiring the Governor to call a special election to fill certain vacancies."

Senate bill No. 33, "An act to be entitled 'an act to incorporate the Jefferson Insurance Company.'"

Senate bill No. 126, "An act to incorporate the town of Marlin, Falls county."

Senate bill No. 131, "An act to incorporate the San Antonio and Sherman Bridge Company."

Senate bill No. 137, "An act to incorporate the Sabine and Neches Mutual Insurance Company."

Senate bill No. 198, "An act to organize the county of Pecos."

Senate bill No. 211, "An act to amend the third section of an act to be entitled 'an act creating the counties of Presidio, El Paso and Worth,' approved January 3, 1850."

Senate bill 241, "An act to incorporate the Mansfield Male and Female College, in Tarrant county."

Signed by the President in open session.

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 409, "An act to incorporate the city of Brenham, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter." Read third time, passed and returned to the House.

On motion of Senator Pickett, the rules were suspended to take from file House bill No. 613, "An act supplemental to an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,' approved April 12, 1871." Read second time and passed to a third reading.

On motion of Senator Ruby, the rules were further suspended and House bill No. 613 read third time, passed and returned to the House.

On motion of Senator Cole, the rules were suspended to take from file House bill No. 328, "An act for the relief of the heirs of Orlando Forrest." Read second time and passed to a third reading.

On motion of Senator Cole, the rules were further suspended and House bill No. 328 read third time, passed by the following vote and returned to the House:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Douglass, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Pyle, Saylor, Shannon, Tendick—20.

Nays—Pickett, Ruby—2.

By leave, Senator Ford submitted the following report of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, April 26, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 377, entitled "An act to incorporate the Banking, Insurance and Mutual Aid Association of Texas," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

Report read and laid over under the rules.

On motion of Senator Ford, the rules were suspended to take from file House bill No. 138, "An act for the relief of J. L. L. McCall, late district attorney of the Thirty-third Judicial District of this State." Read second time and passed to a third reading.

On motion of Senator Ford, the rules were further suspended and House bill No. 138 read third time, passed by the following vote and returned to the House:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Pettit, Pyle, Ruby, Saylor, Tendick—17.

Nays—Douglass, Mills, Pickett, Shannon—4.

On motion of Senator Ruby, Senator Latimer was granted indefinite leave of absence from and after the tenth instant, on account of sickness in his family.

On motion of Senator Pyle, the rules were suspended, to take from file Senate bill No. 195, "An act to incorporate the Hempstead and West Liberty Air Line Railway Company."

On motion of Senator Pyle, the following House amendments were concurred in: Strike out all after the word "settled," in section five, line nine, and insert the following: "according to the general railroad laws of this State, and said company shall commence the construction of its road within three years from and after the passage of this act;" amend section one by inserting the name of "L. C. Day" as one of the incorporators.

On motion of Senator Broughton, the rules were suspended to

take from file House bill No. 598, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Mansfield College, Tarrant county." Read second time and passed to a third reading.

On motion of Senator Broughton, the rules were further suspended and House bill No. 598 read third time and passed.

On motion of Senator Latimer, the rules were suspended to take from file House bill No. 39, "An act to prohibit the sale or distribution of spirituous, vinous or other intoxicating liquors within certain limits of the Grapevine Masonic Institute, in the town of Grapevine, Tarrant county, Texas." Read second time.

On motion of Senator Bowers, the substitute reported by the Committee on Education, was adopted, (Senate substitute for House bill No. 39, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Grapevine Masonic Institute, in the town of Grapevine, Tarrant county, Texas.")

On motion of Senator Shannon, the rules were further suspended and Senate substitute House bill No. 39 read third time and passed.

On motion of Senator Pickett, the rules were suspended to take from file House joint resolution No. 17, "Joint resolution authorizing the Governor to lease out the lands appropriated for the benefit of the Lunatic, Blind, and Deaf and Dumb Asylums." Read second time.

Senator Gaines moved to refer the resolution to a select committee.

Senator Pyle moved to lay the resolution on the table. Yeas and nays called for and motion to lay on the table lost, by the following vote:

Yeas—Baker, Bowers, Dohoney, Douglass, Ford, Hall, Latimer, Mills, Pyle, Shannon—10.

Nays—Mr. President, Bell, Cole, Flanagan, Fountain, Gaines, Hillebrand, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—13.

On motion of Senator Bowers, House joint resolution No. 17, was referred to the Committee on Public Buildings.

On motion of Senator Saylor, the rules were suspended to take from file House bill No. 611, "An act to authorize the Governor to receive from the treasury of the United States, the money due the State of Texas from the United States." Read first time.

Senator Bowers moved to refer the bill to the Committee on Public Debt. Lost.

Senator Saylor moved a further suspension of the rules to place the bill on a second reading.

Yeas and nays called for and motion to suspend the rules, lost by the following vote:

Yeas—Mr. President, Baker, Bell, Fountain, Hall, Hillebrand, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—13.

Nays—Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Ford, Gaines, Latimer, Pyle, Shannon—11.

By leave, Senator Mills introduced a bill (Senate bill No. 396) to be entitled "An act confirming the powers granted to the municipal authorities of the incorporated cities and towns of the State." Read first time and referred to Committee on State Affairs.

On motion of Senator Dohoney, the rules were suspended to take from file House bill No. 200, "An act further regulating proceedings in the several courts of the State of Texas." Read second time.

On motion of Senator Tendick, the substitute reported by the Committee on Judiciary was adopted, (Senate substitute for House bill No. 200, to be entitled "An act further regulating proceedings in the several courts of the State of Texas.")

On motion of Senator Fountain, the rules were further suspended and Senate substitute to House bill No. 200 read third time and passed.

On motion of Senator Latimer, the rules were suspended, to take from file House joint resolution No. 24, "Joint resolution for the relief of Davis county." Read second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended and House joint resolution No. 24 read third time and passed.

Senator Pridgen submitted the following report of Committee on Enrolled Bills :

COMMITTEE ROOM,
AUSTIN, May 2, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Enrolled Bills have carefully examined, and find correctly enrolled the following Senate bills, to-wit: No. 131, entitled "An act to incorporate the San Antonio and Sherman Bridge Company;" No. 241, entitled "An act to incorporate the Mansfield, Male and Female College, in Tarrant county;" No. 137, entitled "An act to incorporate the Sabine and Neches Mutual Insurance Company;" No. 33, entitled "An act to incorporate the Jefferson Insurance Company;" No. 126, entitled "An act to incorporate the town of Marlin, Falls county;" No. 198, entitled "An act to organize the county of Pecos;" No. 211, entitled "An act to amend the third section of an act entitled 'an act creating the counties of Presidio, El Paso and Worth,' approved January 3,

1850 ;" also, Senate joint resolution No. 33, "Authorizing and requiring the Governor to call a special election, to fill certain vacancies," and to-day, at 11 o'clock A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report read and received.

The Senate, at 11:50 A. M., took a recess to 12 M.

12 o'clock M.

The hour having arrived to which the high court of impeachment adjourned, the Senate resolved itself into a high court of impeachment for the trial of William H. Russell, Judge of the Fifteenth Judicial District.

HIGH COURT OF IMPEACHMENT.

AUSTIN, TEXAS,
Tuesday, May 2, 1871.

THE STATE OF TEXAS vs. WILLIAM H. RUSSELL.

The court having been opened by proclamation,

Ordered, That the Secretary inform the House of Representatives that the Senate is now sitting as a high court of impeachment for the trial of William H. Russell, and that seats are provided for the accommodation of the members of the House in the Senate chamber.

The managers attended.

On motion of Senator Gaines, the reading of the minutes of Monday, May 1, was dispensed with, the managers and defendant agreeing.

The defendant then interposed the following general demurrer to the articles of impeachment exhibited by the House of Representatives:

"The State of Texas vs. W. H. Russell, Judge—High Court of Impeachment.

"And now comes the defendant and demurs to the articles of impeachment, numbered first, second and third, and says: that the matter and things, in the manner and form as therein stated and set forth, are not sufficient in law, for the State to have and maintain this case against him, and of this he prays the judgment of the court.

"W. H. RUSSELL, Defendant."

Mr. McLean, on behalf of the managers, asked that the high court

of impeachment, adopt some rule governing the arguments of the managers and counsel for defendant in the case pending.

Senator Pickett offered the following order: *Ordered* by the Senate that the managers on the part of the House of Representatives be allowed to open and close the argument upon all questions which go to the merits of the case now pending before this court of impeachment. Adopted by the following vote:

Yeas—Mr. President, Baker, Bell, Cole, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pickett, Pridgen, Ruby, Saylor, Tendick—13.

Nays—Broughton, Dohoney, Flanagan, Latimer, Pyle, Shannon—6.

Mr. McLean, on the part of the managers, proposed to waive the right to open the argument upon the demurrer, but reserved to the managers the right to answer any argument made by the defense.

The defendant, by his counsel, asked that the managers be required to open the argument, but that if the managers should waive the right to open the case, then, that the defense have the right to close.

The President ruled that, should the managers waive the right to open the argument upon the demurrer, the waiving of their right to open the argument would be considered as waiving their right also to close.

Mr. Abbott, on the part of the managers, then opened the argument upon the demurrer interposed by the defendant to the articles of impeachment exhibited by the House of Representatives.

Senator Bowers moved that the high court of impeachment stand adjourned to 10:30 o'clock A. M. to-morrow.

Senator Ruby moved to amend to 11:30 A. M. to-morrow.

Yeas and nays called for and motion to adjourn to 11:30 A. M. lost, by the following vote:

Yeas—Broughton, Ford, Hall, Pettit, Ruby, Saylor—6.

Nays—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Flanagan, Fountain, Gaines, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon, Tendick—19.

The question recurring upon the motion to adjourn to 10:30 A. M. to-morrow, motion was carried.

By direction of the President, the Sergeant-at-Arms closed the court by proclamation.

IN SENATE.

Senator Ruby moved that the Senate adjourn to 10 A. M. to-morrow.

Yeas and nays called for and motion carried by the following vote:

Yeas—Mr. President, Baker, Bowers, Broughton, Cole, Dohoney, Flanagan, Gaines, Hall, Latimer, Mills, Ruby, Tendick—13.

Nays—Bell, Ford, Fountain, Hertzberg, Hillebrand, Parsons, Pettit, Pickett, Pridgen, Pyle, Saylor, Shannon—12.

So the Senate, at 1:20 o'clock P. M., adjourned to 10 o'clock A. M. to-morrow.

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